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AMERICAN SAMOA

Working paper prepared by the Secretariat

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AMERICAN SAMOA 1/

I. GENERAL

A. Introduction

1. American Samoa is an unincorporated Territory 2/ administered by the United States of America. Located in the South Pacific, it consists of six islands (Tutuila, Aunuu, Ofu, Olosega, Tau and Rose) of the Samoan group. Swains Island, 340 kilometres north of Tutuila, is administered as an integral part of American Samoa. The total land area of the Territory is 197 square kilometres, about 70 per cent of which is covered by dense forest; only 5,000 hectares are suitable for agriculture. Pago Pago, the capital, is located on Tutuila, the largest of the islands, where 90 per cent of the population lives.

2. Europeans first visited the Samoan archipelago in the 1700s, but foreign Powers did not make contact with the local chiefs until the early nineteenth century when they did so for commercial reasons. By the mid-nineteenth century, the United States, Britain and Germany dominated the economic life of the islands, although no formal relationship was established until 1878 when the then independent Kingdom of Samoa gave the United States the right to establish a coaling station at Pago Pago harbour.

3. By the Tripartite Treaty of 1899, Great Britain and Germany renounced all claims to the Samoan islands east of the 171st meridian in favour of the United States. The islands west of that meridian (now the independent State of Western Samoa) were assigned to Germany.

4. In April 1900, the Samoan high chiefs formally ceded the islands of Tutuila and Aunuu to the United States, and in July 1904 the cession was expanded to include Ofu, Olosega, Tau and Rose. Swains Island was annexed in 1925. The islands officially became a United States Territory on 20 February 1929 under a joint resolution approved by Congress, which vested final authority over American Samoa in the President of the United States.

B. Population

5. According to the official 1990 census, the population was 46,638 persons, over 90 per cent of whom were ethnically Samoan, including about 10,000 Western Samoan nationals. The balance of the population was made up of Caucasians (2.5 per cent), Tongans, Tokelauans and Niueans (3.5 per cent) and others. The median age of the population was 19 years.

6. An estimated 85,000 American Samoans have emigrated to the United States and live principally in Hawaii, California and Washington.

7. Native-born American Samoans are United States nationals. Nationals are non-citizens who can neither vote in United States elections nor be drafted for military service but who may enter the United States at will. Normally, nationals can acquire citizenship without difficulty. American Samoans carry modified United States passports.

8. The traditional American Samoan way of life, which remains very strong, is structured around a social system of clans, or extended families (aiga), and chiefs (matais). The latter are chosen by the family members and are responsible for the well-being of the aiga, the maintenance of family lands and the communal economy, which still prevails in village life. A village may comprise several related families.

9. Most American Samoans are bilingual in Samoan and English.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

10. On becoming a Territory, American Samoa was governed pursuant to the joint congressional resolution of 20 February 1929. By an executive order issued in 1951, the President of the United States placed the administration of the Territory under the Secretary of the Interior. The Territory's first Constitution came into effect in October 1960 and was revised in 1967 and amended in 1970 and 1977.

11. Pursuant to a further act of Congress, the people of American Samoa were made the final ratifying authority over their Constitution. The Secretary of the Interior is no longer authorized to make changes in that document unilaterally.

12. In September 1979, the Second Temporary Future Political Status Commission, created by the Government of American Samoa, recommended that the Territory should remain an unincorporated territory of the United States but that the issue of political status should be reassessed in 10 to 15 years.

13. As is discussed below, the current Governor, Mr. Peter T. Coleman, is actively seeking a change of status.

Executive

14. The executive branch consists of a Governor and a Lieutenant-Governor elected by direct vote. Under the Constitution, the Governor is responsible for executing those United States laws and portions of the United States Constitution applicable to American Samoa, as well as the American Samoan code and executive rules. He has general supervision of all operations within the Territory. Since 1981, the Territory also elects by direct vote a non-voting delegate to the United States House of Representatives. The current delegate, Mr. F. H. Faleomavaega, was re-elected in November 1990.

15. In 1984, American Samoans participated for the first time as voting delegates at the Democratic National Convention. The Republican Party of American Samoa, which was organized in 1985, participated in the Republican National Convention for the first time in 1988.

Legislature

16. The bicameral legislature, or Fono, consists of a House of Representatives and a Senate, which have identical powers. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements. The legislature convenes for two 45-day sessions yearly.

17. The Senate comprises 18 members elected every four years from among the matais by the councils (fonos) in the 14 counties or groups of villages, in accordance with local custom.

18. The House of Representatives is composed of 20 members elected for two-year terms by universal adult suffrage. There is also one non-voting delegate from Swains Island, who is elected at an open meeting by the permanent adult population of the island.

19. A majority of both houses voting together is required for passage of a bill. The legislature may appropriate funds raised from local revenues and make recommendations regarding the annual budget prepared by the Governor, including requests for federal funds.

Judiciary

20. The judiciary consists of a high court with jurisdiction throughout the islands, a district court and several village courts. There are three divisions of the High Court: (a) appellate, (b) trial and (c) land and title. As American Samoa is not within a federal judicial district or circuit, there is no prescribed channel for appealing decisions of the High Court. 3/

21. The Chief Justice and the Associate Justice of the High Court are appointed by the Secretary of the Interior. The current Chief Justice, Mr. Michael Kruse, who was appointed on 1 November 1988, is the first American Samoan to hold the position. Associate judges of the High Court and the District Court judge are appointed by the Governor on the recommendation of the Chief Justice; their appointments are subject to confirmation by the territorial Senate. The local judiciary consists of district and village courts.

22. The Office of Public Defender provides legal representation to those unable to afford counsel.

B. Future status of the Territory

23. The 1981 United Nations Visiting Mission to American Samoa reported that both elected and traditional leaders had expressed satisfaction with the existing political status of the Territory (see A/AC.109/679, paras. 348-351). The Mission said it seemed that the leaders' satisfaction with the status quo derived from the fact that the Territory was heavily dependent on economic and financial support from the United States as well as from their own attachment to the traditional social structure. During public discussions, the Mission found that, in general, people outside the political leadership had very little knowledge of the implications of the political alternatives available to them.

24. At the Regional Seminar in Observance of the Thirtieth Anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, held in Vanuatu in May 1990, Mr. I. S. Mulitauaopele, High Talking Chief and Special Assistant to the Governor of American Samoa, said that there was a close relationship between American Samoa and the United States, which had lived up to its promises to respect the individual rights of American Samoans and to protect their land system and their way of life. The people of American Samoa were eager to continue the present relationship with the United States. Furthermore, American Samoa was by every standard "self-governing". The Government and public service were made up almost exclusively of Samoans; there was no United States military presence in American Samoa except for an all-Samoan Army Reserve unit, which had been established at American Samoa's own request. All decisions, major and minor, were made by the American Samoan people and 90 to 95 per cent of all land was owned by American Samoans; very little land was used by the Government and none was owned by the United States (see A/AC.109/1040 and Corr.1, para. 35).

25. In his state of the Territory address to the people of American Samoa on 14 January 1991, Governor Peter T. Coleman called for the opening of talks with the United States on the Territory's political future. He assured the people that the talks would not necessarily signal any fundamental change in the traditional way of life. That did not mean, however, that the people could not improve their successful relationship with the United States.

26. For some time, the Governor said, he had been concerned that the existing institutional arrangements had become outmoded and were out of step in an era marked by self-government and self-determination.

27. The Governor asked the leadership of the Fono to work with him in introducing a resolution requesting the Secretary of the Interior to authorize the Governor to appoint a political and constitutional review commission to look at all the political options of the Territory.

28. He stressed that any new arrangement should provide for the permanent protection of the Territory's land and the preservation of its culture and way of life. At the same time, it should strengthen the Territory's political position in the United States family, enhancing its self-government to the

utmost and, if possible within the framework of the United States Constitution, providing United States citizenship for all American Samoan citizens. Whether the arrangement would be called a commonwealth, a territory or a freely associated state was immaterial.

29. In a statement to the Fourth Committee of the General Assembly on 23 October 1989, 4/ the representative of the United States said that his Government was ready to respond to a request from the people of American Samoa regarding their future political status at any time.

Action taken by the General Assembly

30. On 20 November 1990, the General Assembly adopted resolution 45/30 on the question of American Samoa, by which, inter alia, it reiterated that it was the responsibility of the United States, as the administering Power, to create conditions in the Territory to enable the people to exercise freely and without interference their inalienable right to self-determination and independence in accordance with resolution 1514 (XV) of 14 December 1960 and all other relevant resolutions of the General Assembly.

31. Further, the General Assembly reaffirmed that it was ultimately for the people of American Samoa themselves to determine freely their future political status in accordance with the relevant provisions of the Charter of the United Nations and the Declaration and in that connection reaffirmed the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination and independence; and reaffirmed the responsibility of the administering Power to promote the economic and social development of American Samoa. It recommended that priority should be given to the diversification of the Territory's economy in order to provide the foundations for sound social and economic development, to reduce its heavy economic and financial dependence on the United States and to create more employment opportunities for the people of the Territory.

32. The General Assembly urged the administering Power, in cooperation with the territorial Government, to take effective measures to safeguard and guarantee the inalienable right of the people of American Samoa to own and dispose of the natural resources of the Territory, including marine resources, and to establish and maintain control over the future development of those resources; it also urged that, because of the destruction wrought by cyclone Ofa, emergency assistance to the Territory be continued; and invited the specialized agencies and other organizations of the United Nations system to continue to take all necessary measures to accelerate progress in the social and economic life of the Territory.

C. Public service

33. During the period under review, the Territorial Government continued to be the largest employer in the Territory, accounting for 4,282 persons or some

40 per cent of the labour force. The public service was composed almost exclusively of American Samoans.

34. In a submission to a United States congressional hearing in February 1991, Governor Coleman stated that in an effort to bring the Territory's budget deficit under control, he would introduce legislation to reduce the government work force by 10 per cent by the end of 1992 (see also paras. 40-43). 5/

D. Regional cooperation

35. American Samoa is a member of 14 regional organizations, including the South Pacific Commission (SPC), the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memoranda of understanding with the Governments of Western Samoa and Tonga on mutual economic cooperation and has sent trade missions to other countries in the Pacific.

36. In March 1990, American Samoan and Western Samoan leaders concluded a second round of talks at Pago Pago aimed at promoting closer cooperation. The talks covered travel, public works and efforts by Western Samoa to obtain easier access to American Samoan markets for its agricultural products. 6/

III. ECONOMIC CONDITIONS

A. General

37. In view of factors common to most small islands, such as limited resources, lack of agricultural land and shortage of capital, the Territory's economy is very narrowly based, centring on tuna fish canning. Agriculture and industry contribute very little.

38. In 1989, exports, of which canned tuna accounted for 96 per cent, amounted to $368 million. Imports, which totalled $334 million, included fuel and oil (24 per cent), food (18 per cent), machinery and equipment (9 per cent) and textiles (4 per cent).

B. Public finance

39. Total government revenue for fiscal year 1989/90 amounted to $128 million. Of that total, grants from the Department of the Interior and other federal agencies amounted to $82 million, which included $24 million from the Federal Emergency Management Agency (FEMA) for the repair of damage

caused by cyclone Ofa in February 1990. Other assistance received for cyclone damage included $10 million to $12 million for the construction of new homes and $4 million to $6 million in insurance funds. 7/

40. The Territory has a persistent budget deficit which grew from $10.2 million in 1988/89 to $17.7 million in 1989/90. According to a 1989 report by the Inspector-General of the Department of the Interior, the deficit resulted from the Government's disregard for budgetary and spending controls over a period of time. Among other things, prior to the November 1988 elections, Governor Coleman's predecessor had authorized salary increases totalling $2.1 million for government employees. Also, the Government had failed to collect more than $2 million in excise and income taxes.

41. According to Governor Coleman, the 1990 deficit was due largely to a shortfall in estimated corporate taxes and an increase in expenses for the off-island medical referral programme (see para. 78). He said that the deficit would have been even higher had the Government not received tax payments of $5 million in 1988 and $4 million in 1989 from the sale of one of the fish canneries. Press reports further indicated that continued overspending by government departments contributed to the deficit. 8/

42. In order to combat the Territory's deteriorating financial situation and to bring government spending in line with actual revenues, in October 1990, the Legislature enacted a 5 per cent excise tax to replace the existing 2 per cent sales tax. 9/ A series of other taxes were levied on items such as alcoholic beverages, tobacco products and firearms. The Government also saved some $4 million by monitoring government hiring, travel and purchases.

43. Governor Coleman said that financial problems would persist in 1991. In addition to the expenses resulting from the cyclone's damage, the canneries' earnings had been reduced owing to their being shut down for several weeks for violations of environmental regulations.

C. Land tenure and agriculture

44. Land in American Samoa is divided into five main categories: freehold land or that which was acquired by individuals before 1900 through grants issued by the Supreme Court of Samoa and has no restrictions on transfer of title or lease tenure (15 per cent); government land, which comprises land transferred by the Department of the Interior to the territorial Government, land acquired by the Government through condemnation and reclaimed land (23.5 per cent); church-owned land (14.3 per cent); communal land, which is subject to the native land tenure system (23.6 per cent), and individually owned land, acquired either by court grant after 1900 or through the transfer of communal land with approval of the Governor (23.6 per cent).

45. Under the Samoan Land Tenure Act, all land except freehold land is inalienable to any person who is less than one-half American Samoan. Furthermore, without written approval from the Governor, it is unlawful for

any matai (chief) to alienate any family lands or to lease such lands for more than 55 years.

46. Approximately two thirds of the land in the Territory is sloping steeply and is extremely difficult to reach. In 1977, which is the last year for which information is available, almost 85 per cent of the total land was undeveloped. Prospects for agricultural development continue to be extremely limited. Current efforts are aimed at increasing the production of vegetables and other food crops for local consumption. There are currently more than 1,100 plots for home consumption and 200 small commercial farms that sell their produce at local markets; the average size of the commercial farm is 1.8 hectares. Most commercial farming consists of mixed operations producing poultry, livestock and crops. Agricultural produce sold at local markets increased substantially in 1988, with sales of taro rising by 50 per cent and of green bananas by 20 per cent. Other produce offered for sale at the markets included vegetables, fruit, yams and tubers, breadfruit and coconuts.

47. In 1988, food imports ($148 million) constituted 18 per cent of total imports by value.

D. Fisheries

Tuna industry

48. American Samoa's tuna-processing industry, which is the fourth largest in the world, accounts for 20 per cent of total United States tuna production. An Indonesian-owned company, the Van Camp Sea Food Company, and a United States-owned company, Star Kist Samoa, Inc. (H. J. Heinz), continue to operate large-scale tuna canneries at Pago Pago supplied by both Asian and United States vessels, as well as a local fleet of small long-line craft. 10/

49. In 1988, combined exports by the two companies rose to $367 million, compared with $288 million during the previous year. The combined production represented nearly 95 per cent of the Territory's total exports and provided the bulk of local tax revenues.

50. In 1990, employment in the tuna-processing industry increased to 4,695, compared with approximately 4,100 in 1988. The two canneries provide 35 per cent of the total employment in the Territory. 10/

51. According to the 1989 American Samoa Statistical Digest, the canneries generated almost $25 million in wages in 1988.

52. During the period under review, the canneries were fined a total of $250,000 for violating the American Samoa Environmental Act, specifically for polluting the waters of Pago Pago harbour. 11/ Both canneries have since agreed to treat waste from their operations and then transmit it by barge to a designated dumping site 8 kilometres out to sea. In July 1990, press reports said that an explosion on the barge had led to a shut-down in cannery operations for several weeks, resulting in income losses of $500,000 per week for cannery workers. 12/

Local fishing

53. According to the current annual report of the administering Power, in 1988, there were 36 boats with 72 crew members, compared with 26 boats employing 52 fishermen in 1987. The catch rose to 136,534 kilograms, compared with 112,493 kilograms in the previous period. Of the total catch, 61 per cent was from trolling, 11 per cent from a combination of trolling and bottom fishing, and 20 per cent from spear fishing. About 635 kilograms of fresh fish, or 50 per cent less than the previous year, were exported to Hawaii.

E. Industries

54. Apart from the two tuna canneries, industrial activities in American Samoa are mostly small and service-oriented. In 1988, there were 1,668 registered businesses, an increase of about 8 per cent since 1987. Retail business accounted for 40 per cent of the total; transportation and communication for 20 per cent; and service and wholesale businesses for about 20 and 19 per cent, respectively. The remaining industrial activity involved construction, manufacturing and finance/insurance operations.

55. Efforts to attract new industry include tax cuts, import-duty concessions and special lease rates at the government industrial park.

F. Transport and communications

Land

56. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads. In 1988, there were 4,373 registered vehicles in the Territory, of which 3,768 were privately owned. The Territory has a non-scheduled bus service.

Sea

57. Several shipping companies provide regular service to Pago Pago from Asia, elsewhere in the South Pacific and the United States mainland. There is a daily inter-island cargo service and regular ferry service between American Samoa and Western Samoa. Swains Island is accessible only by boat. Rose Atoll can be visited only by permit since it is a National Wildlife Refuge.

58. Pago Pago has one of the best all-weather deep harbours in the Pacific. The development of that harbour as a regional centre for the transshipment and distribution of goods is a long-term goal. Western Samoa, Tonga and the Cook Islands currently ship goods through Pago Pago harbour.

59. The number of vessels entering American Samoa increased by about 6 per cent in 1988. Of the previous year's 1,012 vessels, 437 were fishing

boats, 209 were yachts, 184 were freighters, 93 were local boats and the remainder included 34 tankers, 14 military vessels, 2 government ships and 3 other vessels.

Air

60. There are regular round-trip flights from the Territory to Honolulu, New Zealand, Australia and other destinations. In 1988, 5,340 flights were recorded from the Pago Pago international airport, which has two paved runways. There are smaller airstrips on the islands of Tau and Ofu.

Radio, television and telephone links

61. The Territory has one television and two radio stations, including a public network. Live broadcasts of the Armed Forces Radio and Television Service and Cable News Network from the United States are received. Both radio stations broadcast in English and Samoan, one around the clock and the other for 18 hours a day.

62. American Samoa has 24-hour direct dialling to most countries. In 1988, there were 8,015 telephones.

Newspapers

63. There are several weekly newspapers in both English and Samoan. The Samoa News and the Journal are the most widely read English-language newspapers.

G. Tourism

64. American Samoa's tourist industry is relatively small. In 1988, 10,129 tourists stayed in five hotels and motels. The Government is the majority shareholder of the principal hotel, which can accommodate 200 guests.

65. In efforts to promote tourism, the Pago Pago Tourist Association was founded in November 1990 by 20 local travel agencies, restaurants and handicraft vendors. 13/

H. Financial institutions

66. The Amerika Samoa Bank and a branch of the Bank of Hawaii Federal Credit Union offer complete commercial banking services. The Development Bank of American Samoa, a non-commercial enterprise owned by the Government, issues guarantees and loans for development projects.

I. Assistance from the United Nations system

67. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO) Regional Office for the Western Pacific and the WHO Western Pacific Regional Centre for the promotion of Environmental Planning and Applied Studies. 14/ In 1988, the Territory was accepted as an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP).

J. Foreign economic activities and interests

68. According to the most recent report of the United Nations Centre on Transnational Corporations (A/38/444, annex), eight affiliates of transnational corporations were operating in American Samoa. Six had United States parent companies, one was affiliated with a Canadian firm and another with Indonesia. The firms were involved principally in banking, insurance and food production.

IV. SOCIAL CONDITIONS

A. Labour

69. The labour force in the Territory has been steadily increasing. In 1990, the 13,250 workers represented approximately one third of the Territory's total population. The two largest employers are the Government (4,282) and the two tuna canneries (4,695). The Government and the two canneries provide approximately 75 per cent of the Territory's jobs. Approximately one third of the labour force are Western Samoans; there are also small numbers of Tongans, Koreans, Japanese, Chinese and United States citizens.

70. As stated in earlier reports, American Samoa's close links with the United States have given it economic expectation, living standards and living costs that are higher than many neighbouring communities. The shortage of well-paying jobs in the Territory induces many young people to emigrate to Hawaii and the United States mainland, where they have free access to the job market. As a consequence of the high level of emigration among American Samoans, many unskilled low-paying jobs in the Territory are filled by non-nationals, mostly from Western Samoa.

71. American Samoa is the only United States Territory where employers are allowed to pay workers less than the mainland minimum wage of $3.80. Although the United States Fair Labor Standards Act, which has been in effect for more than 30 years, states that American Samoa's minimum wage ($1.46 per hour) should be increased to mainland levels as soon as possible if the increase would not result in a significant loss of jobs, the committee that reviews local wages every two years has determined that the economy of American Samoa could not sustain an increase.

72. In 1986, an American Samoan government task force predicted that more than 2,000 jobs would be lost and other economically disastrous repercussions would ensue if the mainland minimum wage was applied to the Territory.

73. Following the last decision in 1988 of the minimum wage committee, however, both the territorial Government and the canneries gave small wage increases to their employees. Most workers are now reported to earn $2.93 an hour. The minimum wage in most other industries is also reported to have increased by 10 per cent over the last two years. 15/

B. Immigration

74. Immigration is controlled by the territorial Government, which sets the entry requirements.

75. In 1985, American Samoa set quotas to regulate the number of aliens entering the Territory annually to work. The quotas allow the admission of 1,000 aliens from Western Samoa and 400 from other areas. Sponsorship of alien employees is limited to American Samoans, United States citizens and nationals and licensed companies.

76. In 1985, an agreement was reached between Western Samoa and American Samoa to allow relatives to visit each other's Territory without visas. After abolition of the visa requirement, an estimated 3,000 Western Samoans overstayed their visits. In January 1986, restrictions were restored and Western Samoans must now obtain a visa specifying their length of stay in American Samoa.

C. Health and social activities

77. During the year ending 1988, the Government of American Samoa spent a total of $20.2 million or 19 per cent of its total budget on health and welfare, compared with $19.7 million in 1987.

78. The main hospital in the Territory, the Lyndon Baines Johnson (LBJ) Tropical Medical Center, has 181 beds. Medical, dental and pharmaceutical services are available 24 hours a day at minimal cost to residents and visitors. American Samoans requiring off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland, receive free medical care. Expenses for the off-island referral programme in 1990 amounted to $3.4 million.

79. The LBJ Medical Center has a staff of approximately 25 physicians (1 family practitioner, 8 general practitioners, 5 paediatricians, 1 internist, 4 surgeons and 4 obstetricians/gynaecologists).

80. The Government intends to replace the ageing facility in the near future. In the meantime, a new hospital authority has been established to

conform to United States federal requirements. The Department of Health operates dispensaries throughout the Territory.

81. During the year 1,964 crimes were committed. The most common offences were disorderly conduct, assault, larceny/theft, property damage and burglary. Reported crimes committed by juveniles decreased in 1988 by more than 50 per cent.

D. Housing

82. American Samoa has access to federal housing programmes and grants administered by the United States Department of Housing and Urban Development.

83. In 1990, the American Samoan Development Bank disbursed $3.8 million for home improvements and new homes. In his state of the Territory address in February 1991, the Governor said that the Development Bank was negotiating a $50 million loan, which would fund a further 900 to 1,000 new homes.

84. Since the devastation caused by cyclone Ofa in early 1990, the Government of American Samoa has been assisting in the reconstruction of homes and businesses. In January 1991, the Governor announced that with the assistance from FEMA and the $14 million in insurance settlements, some 828 new homes had been built and an unspecified number restored.

85. The Pala Lagoon (waste water) system and the Pago Pago Harbor sewer system were recently rehabilitated at a cost of $8.7 million. The amount of $3.5 million was allocated to the American Samoa Power Authority to begin a five-year plan of improvements to the electrical power and water systems. Other projects to be undertaken in 1991 include a new distribution feeder system and water systems for three more villages. Sun energy-powered communication systems are to be installed on Swains Island and Ofu.

V. EDUCATIONAL CONDITIONS

86. Education is free and compulsory for children between the ages of 6 and 18 years. In 1990, the Territory's private and public educational institutions numbered 132, with a total enrolment of 14,636 students.

87. During the period under review, the Territory received a grant of $1.2 million from the Department of the Interior to assist in rebuilding schools destroyed by cyclone Ofa.

88. The Government has established a teacher certification policy and education programme to improve teaching skills. During the same period, a Samoan Studies Program was reviewed in efforts to ensure that students could read and write in both English and Samoan.

89. American Samoa Community College, established in 1970, offers two-year degree courses in arts and sciences. It also offers certificate-of-proficiency programmes in vocational, business, clerical and nursing curricula. In 1985, the Community College began a one-year certificate programme in agriculture, with specialities in crop production and cattle-raising. Programmes in Pacific studies and computer science were also added to the curriculum through a grant from the United States Federal Government. In 1985, the College was reaccredited by the Western Association of Junior and Community Colleges.

Notes

1/ The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 13 March 1991 for the year ending 30 September 1990.

2/ An unincorporated Territory is one which has not been incorporated into the body politic of the United States by an act of Congress making the Constitution of the United States expressly applicable to it.

3/ Congressional Research Service Report for the United States Congress, 17 October 1988.

4/ A/C.4/44/SR.15, paras. 31-40.

5/ Testimony of Governor Peter T. Coleman before the House Subcommittee on Interior and Related Agencies Oversight Hearings at Washington on 28 February 1991.

6/ Radio Australia News Summary, 19 March 1990.

7/ Samoa Daily News, 11 July 1990.

8/ Ibid., 13 July 1990.

9/ Ibid., 18 October 1990.

10/ Ibid., 27 July 1990.

11/ American Samoa, 22 June 1990.

12/ Samoa Daily News, 6 August 1990.

13/ Ibid., 15 November 1990.

14/ Yearbook of International Organizations, 1989/90, vol. 2.

15/ Samoa Daily News, 12 December 1990.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

AMERICAN SAMOA

Working paper prepared by the Secretariat

Corrigendum

Page 3, paragraph 1, line 1

For an unincorporated Territory 2/ read a Non-Self-Governing Territory

Page 4

(a) Paragraph 7

The second sentence should read

Nationals are non-citizens who may not vote in the United States elections but may enter the United States at will.

(b) Paragraph 10

For the existing text substitute

10. American Samoa became an unincorporated Territory of the United States pursuant to a joint congressional resolution of 20 February 1929. 2/ By an executive order issued in 1951, the President of the United States placed the administration of the Territory under the Secretary of the Interior. The Territory's first Constitution came into effect in October 1960 and was revised

Page 4 (continued)

in 1967 and subsequently amended. Since the form of government is set out in a constitution rather than in an organic act of Congress, American Samoa is considered under the United States system to be an unorganic Territory.

(c) Paragraph 13

For the existing text substitute

13. In November 1990, the current Governor, Mr. Peter T. Coleman, was reported to have taken initial steps to establish a commission to review the Territory's political status. No further developments have been reported in this regard, however.

Page 5, paragraph 20

The sentence should read

As American Samoa is not within a federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court. 3/

Page 6, paragraph 26, line 1

At the beginning of the paragraph insert

Governor Coleman also stated that "every political subdivision, whatever it may be called, falls under one of two categories: either it is a state or it is not a state. We have lived proudly under the latter category and I judge it is the overwhelming sentiment of our people that we continue to do so".

Page 7

Before paragraph 29 insert a new paragraph reading

29. The Fono has not introduced any legislation calling for a review of the Territory's political status.

and renumber the remaining paragraphs accordingly.

Page 8, paragraph 39, line 3

For $82 million read $80 million

Page 9, paragraph 43

Delete the second sentence

Page 10, paragraph 52

The last sentence should read

In July 1990, press reports said that an explosion on the barge had led to a shut-down in cannery operations for several days. 12/

Page 14

(a) Paragraph 73

For the existing text substitute

73. According to the administering Power, at the last biannual meeting in January 1991, the labour committee decided to set minimum government wages at $2.13 an hour. For tuna canning, the rate was set at $2.87 and would rise to $2.92 after a year. Minimum wages for other industries were to increase by 4 per cent immediately and by another 4 per cent after one year.

(b) Paragraph 77

For the existing text substitute

77. During fiscal year 1989/90, the Government of American Samoa spent $14.1 million on health and welfare.

Page 16

Delete footnote 15.

UNITED NATIONS

A

General Assembly

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GENERAL

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12 June 1991

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

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GUAM 1/

I. GENERAL

1. Guam, a Territory of the United States of America, is the southernmost and largest island in the Mariana archipelago and is situated in the western Pacific Ocean about 2,400 kilometres east of Manila. It has a total land area of 540 square kilometres. Agana is the capital city.

2. Ferdinand Magellan, sailing under the Spanish flag, reached Guam in 1521 during his circumnavigation of the globe. Spain claimed Guam, along with other Mariana islands, in 1565 and ruled it until 1898 when Spain ceded the island to the United States under the Treaty of Paris. From 1899 to 1950, Guam was administered by the United States Navy except for a period during the Second World War when the Territory was controlled by Japan. 2/

3. Guam is governed under the Organic Act of 1950, which made it an unincorporated Territory of the United States under the supervision of the Secretary of the Interior and conferred United States citizenship on the Guamanian people.

4. According to the 1990 census, Guam's population was 132,726, representing an increase of 2.27 per cent per annum since 1980. If the current growth rate remains constant, the island's population is expected to double by the year 2010. 3/

5. Information on military activities on Guam is contained in document A/AC.109/1070.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

6. The Government of Guam consists of executive, legislative and judicial branches. Executive power is vested in a Governor who, together with a Lieutenant-Governor, is elected for a term of four years. The Governor is responsible for the general supervision and control of all bodies of the executive branch and submits to the Secretary of the Interior an annual report on the transactions of the Government for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation. In 1990, Governor Joseph F. Ada (Republican) was re-elected for another term of office.

7. Legislative power is vested in a unicameral body composed of 21 senators elected by legislative districts for two-year terms. The Legislature may override the Governor's veto.

8. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

9. The Federal District Court of Guam has jurisdiction over all cases arising under the United States Constitution, as well as under United States treaties and laws. The Superior Court of Guam handles cases arising under the laws of Guam.

10. Universal adult suffrage applies to Guamanians 18 years and older, but Guamanians are not eligible to vote in the United States presidential election while resident in the Territory.

11. Since 1972, the Territory has had a non-voting delegate in the United States House of Representatives. Mr. Ben Blaz, a Republican, is currently serving his fourth two-year term in that capacity.

B. Future political status

12. On 30 January 1982, a political status referendum was held in which the voters were asked to choose from among seven alternatives the one they preferred as "the ultimate goal of the Territory of Guam": (a) statehood; (b) independence; (c) free association; (d) the status of incorporated Territory (i.e., with a local constitution); (e) commonwealth status; (f) the status quo; or (g) other. Commonwealth status received 4,914 votes (49.5 per cent); statehood, 2,547 votes (25.7 per cent); and the status quo, 1,012 votes (10.2 per cent).

13. In a run-off referendum in September 1982, voters, by a large majority, expressed preference for commonwealth status. Subsequently, in February 1984, an eight-member Commission on Self-Determination was established to prepare a draft commonwealth agreement.

Draft Commonwealth Act

14. The draft Commonwealth Act was completed in May 1986 and voted on in August 1987 after a public-education campaign. Close to 14,000 Guamanians, or 39 per cent of some 36,000 registered voters, participated. They approved 10 of the 12 articles by majorities ranging from 51 to 61 per cent and rejected two articles by small margins.

15. Article 1, which was rejected, contained provisions that would recognize the Chamorro people (defined as those born on Guam before 1 August 1950 and their descendants) as a distinct group with certain privileges. Article 7, which was also rejected, would transfer control over immigration from the Federal Government to Guam.

16. A second vote on articles 1 and 7, as revised by the Commission on Self-Determination, was held in November 1987; 20,000 voters, or 56 per cent of all those registered, participated. Both articles were approved by about 11,400 votes.

17. The draft Commonwealth Act was introduced in the United States House of Representatives and the United States Senate in March 1988.

18. The major provisions of the draft Commonwealth Act as submitted to Congress may be summarized as follows: Guam would become a fully self-governing Commonwealth of the United States under a locally adopted constitution, which would recognize, and be consistent with, the sovereignty of the United States over Guam and the supremacy of the provisions of the United States applicable to Guam. The Guam constitution would provide for a republican form of government, with separate executive, legislative and judicial branches and a bill of rights. No federal laws passed after adoption of the act would apply to Guam without its consent, and a joint commission would regularly consult with the United States and Guam on all matters affecting the relationship between them. The United States would be required to consult with Guam with respect to any plan to increase or decrease activities of the Department of Defense in the Territory and would remunerate Guam for the loss of potential revenues experienced by the community as a result of land being used by the United States for military or other government purposes. 4/

19. The draft Commonwealth Act also provides that the Congress of the United States would recognize the inalienable right to self-determination of the Chamorro people, for which provision would be made in the Guam constitution. The United States Government, by means of additional federally funded programmes, and the Commonwealth of Guam might promote: (a) the maintenance and preservation of the Chamorro language, culture and traditions; (b) the enhancement of economic, social and educational opportunities for Chamorros; and (c) the training of Chamorros for employment as professionals, skilled workers and leaders in business and industry. The Government of Guam would establish a "Chamorro Land Trust" comprising certain lands returned by the United States before and after the effective date of the Act. Notwithstanding the above provisions, no qualified resident of Guam could be deprived of the right to vote in any plebiscite or referendum held to ratify the Commonwealth Act, and the continued eligibility for benefits of members of minority groups would not be affected.

20. Under the draft Commonwealth Act, Guam would have control over immigration matters as well as veto power over federal laws and regulations. There would be a 200-mile exclusive economic zone. Further, the draft act would restrain the United States from utilizing the waters surrounding Guam for the dumping or storage of nuclear waste and would oblige the United States to clean up all chemical waste sites used by the military.

21. A federal Interagency Task Force report released in August 1989 stated that some provisions of the draft Commonwealth Act were unconstitutional, particularly those relating to an exercise of self-determination by Chamorro people alone. 5/

22. On 10 January 1990, press reports stated that Governor Ada and the Assistant Secretary of the Interior for Territorial and International Affairs, Stella G. Guerra, had agreed to talks between Guamanian leaders and officials of the United States Administration for the purpose of attempting to make mutually acceptable revisions. Governor Ada characterized the agreement as a "breakthrough".

23. In testimony before the House Subcommittee on Insular and International Affairs on 26 February 1991, Assistant Secrtary Guerra stated that progress had been made by the Federal Interagency Task Force and the Guam Commission on Self-Determination. Understanding had been reached on courts, defence and foreign affairs and, in a meeting with Governor Ada in January 1991, an accord on enforcement of United states federal laws had been signed. In a meeting at Washington in February 1991, the Assistant Secretary and the Governor had signed accords on immigration, self-government and overseas economic and tourism offices.

24. The Assistant Secretary further stated that both United States and Guamanian officials were committed to completing work by the end of 1991 on a report outlining areas where compromise was reached and delineating those areas where disagreement remained. A revised agreement would have to be submitted to the Guamanian electorate.

Position of the United States

25. In a statement to the Special Committee's Subcommittee on Small Territories on 26 April 1990, the representative of the United States stated that her Government continued to maintain its long-standing support for the principle of self-determination. The Territories under United States Administration were pursuing their right to self-determination at a pace of their own choosing and had repeatedly expressed the desire to maintain a close relationship with the United States.

26. The United States representative further stated that, given the desire of the overwhelming majority of Guamanians, as shown by their referenda votes, to remain citizens of the United States, albeit with a new status, the United States Congress and Administration were studying all the legal implications of the proposed legislation. Any new status would also have to be in conformity with the United States Constitution. In that context, the United States continued to abide by its commitment to the right and cultural identity of the Chamorro people in the same manner that it sought to protect the rights of all its citizens and ethnic groups as provided for by the Bill of Rights.

27. In a statement to the Special Committee at its 1364th meeting, on 2 August 1990, the United States representative stated that her Government recognized the unique cultural identity of the Chamorro people. The United States was required, however, by its Constitution to treat all groups as equals.

Action taken by the General Assembly

28. On 20 November 1990, the General Assembly adopted resolution 45/32 by a recorded vote of 110 in favour to 3 against with 31 abstentions.

29. By that resolution, the General Assembly reaffirmed the inalienable right of the people of Guam to self-determination and independence and the importance of fostering an awareness among the people of Guam of the

possibilities open to them with regard to their right to self-determination. The Assembly called upon the United States, as the administering Power, in cooperation with the territorial Government, to expedite the process of decolonization strictly in accordance with the expressed wishes of the people of the Territory.

30. The General Assembly reaffirmed the responsibility of the administering Power, under the Charter of the United Nations, to promote the economic and social development of Guam and called upon the administering Power to take further steps to strengthen and diversify the economy of the Territory, with a view to reducing its economic dependence on the administering Power. It reiterated that one of the obstacles to economic growth in Guam was the holding of large tracts of land by United States federal authorities, and called upon the administering Power, in cooperation with the territorial Government, to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights.

31. The General Assembly urged the administering Powe, in cooperation with the territorial Government, to take effective measures to safeguard and guarantee the inalienable right of the people of Guam to own and dispose of the natural resources of the Territory, including marine resources, and to establish and maintain control over the future development of those resources, as well as to support measures by the territorial Government aimed at removing constraints to growth in commercial fishing and agriculture.

32. The General Assembly also urged the administering Power to give full recognition to the status and rights of the Chamorro people and invited the specialized agencies and other organizations of the United Nations system to continue to take all necessary measures to accelerate progress in the social and economic life of the Territory. It requested the Special Committee to continue the examination of the question at its next session, including the possible dispatch of a further visiting mission to Guam at an appropriate time and in consultation with the administering Power, and to report thereon to the Assembly at its forty-sixth session.

III. ECONOMIC CONDITIONS

A. General

33. Until the Second World War, the majority of Guamanians were involved in subsistence agriculture. Subsequently, the United States military establishment and territorial Government absorbed the bulk of this labour force.

34. In recent years, attempts have been made to diversify the economy. After a prolonged period of stagnation, the private sector has over the past few years been undergoing a period of rapid expansion, stimulated by the successful promotion of tourism. This has led to a construction boom and prosperity in the commercial sector. Continuing efforts are also being made

to promote the development of light industry and the establishment of Guam as a regional financial, educational and administrative centre.

35. According to the 1989 Guam Annual Economic Review, the Territory has considerable growth potential. In addition to being one of the most populated and advanced islands in the western Pacific, it has an ideal geographic location and a stable banking community, and offers excellent incentives for investments. It acts as an urban and transshipment centre and has a level of manufacturing activity that is higher than average for island communities.

36. Gross territorial income was estimated at $3 billion in 1988. Per capita income rose from $7,116 in 1986 to an estimated $8,566 in 1989.

37. Federal funds distributed in Guam in 1989 amounted to over $643 million, of which $357 million went for salaries, $116 million comprised grants to the territorial Government (see para. 40), $80 million were given in the form of direct payments to individuals, $86 million went to procurement and approximately $4 million for other programmes.

38. The financial sector consists of 42 licensed financial institutions, including banks, savings and loan associations and finance companies. The combined assets of these institutions, as at 30 September 1989, amounted to approximately $3 billion.

B. Public finance

39. The total combined revenue of the Government of Guam for fiscal year 1988/89 amounted to $447.7 million, representing an increase of approximately 19 per cent compared with the previous year. The increase was attributed to an improvement in revenue in all sectors of the economy. Tax revenue during 1988/89 amounted to $312.7 million compared with $234 million during the previous period. These included federal taxes paid by federal employees on Guam, including the military.

40. The sum of $116.5 million in federal grants included $60 million from the Department of the Interior; $12.7 million from the Department of Health and Human Services; $12.2 million from the Department of Transportation; $10.2 million from the Department of Education; $8.0 million from the Department of Agriculture; $6.2 million from the Department of Housing and Urban Development; $4.0 million from the Department of Justice; and $1.4 million from the Environmental Protection Agency.

41. Expenditure by the Government of Guam for 1988/89 totalled $283.7 million, an increase of approximately 2 per cent over 1987/88, of which education received $91.5 million; protection of life and property $38.4 million; administration $29 million; and public health $11.5 million.

C. Land tenure

42. Approximately 50 per cent of the land in Guam is privately owned; 30 per cent is reserved for the Department of Defense, 1 per cent is used by the Federal Government for non-military purposes and 19 per cent belongs to the Government of Guam. There are approximately 10,000 Guamanian landowners, 94 per cent of whom own less than two hectares of land each. According to the 1989 Guam Annual Economic Review there were 35,050 land parcels on Guam with a total appraised value of $1.1 billion, while the assessed value of all real estate amounted to $8.2 billion.

43. As previously reported (see A/AC.109/1017, para. 55, and A/AC.109/816/Rev.1, para. 34) in the mid-1970s, some 1,400 Guamanians who believed that they had not been adequately compensated for land appropriated by the United States military after the Second World War brought a class-action suit in United States federal courts seeking damages of up to $300 million. In 1984, it was reported in the press that the majority of plaintiffs had decided to accept an out-of-court settlement of $39.5 million, which had been ruled fair by a Federal District Judge. For several years, because urban and rural landowners were unable to agree among themselves upon a formula for apportioning the settlement, no disbursements were made. In November 1988, however, press reports indicated that the first disbursement totalling $1.1 million had been distributed among almost 100 landowners.

44. According to the Guam Commission on Self-Determination, the majority of litigants had not accepted the settlement and were pursuing separate legal action against the administering Power. 4/

45. In 1977, in response to expressions of dissatisfaction by Guamanians, the Department of the Navy and the Air Force recommended the release of 2,100 hectares of surplus land so that they could be developed. The Department of Defense agreed to release 1,416 hectares.

46. Subsequently, the Navy transferred to the Government of Guam 190 hectares of land on Cabras Island, as well as the land used for airport expansion at the Naval Air Station, several parcels at Apra Harbour and 84 hectares of land and facilities at the Hotel Wharf.

47. Negotiations are under way for the transfer of 138 hectares of Naval Air station land to the Government of Guam for expansion of the international airport. Also, in April 1990, the United States Government announced that it would return 145 hectares more as soon as the transfer was approved by the General Services Administration. The latter comprises 127 hectares for the new Guam Community College campus and 18 hectares for a high school. 6/ Plans are also under way to return 30 hectares for a sewage treatment plant.

48. According to the Guam Commission on Self-Determination, of the 2,100 hectares identified to be returned in 1977, 462 hectares, including 202 hectares of submerged property, have been released and another 175 hectares are in the process of being returned. 4/

D. Agriculture and fisheries

Agriculture

49. Historically, agriculture played a significant role in Guam's economic and culture structure. After 1945, however, there was a marked decline in agricultural activities as more employment opportunities were created in other sectors of the economy. Currently, only about 400 hectares of land are utilized for agriculture and there is heavy dependence on food imports.

50. Guam has relatively poor natural conditions for commercial agriculture. Rainfall, when it occurs, can be torrential and is often accompanied by destructive winds. The soil lacks minerals and nutrients needed for satisfactory agricultural production.

51. Furthermore, the small size of plots is an obstacle to the use of machinery and, in many cases, deters farmers from purchasing capital equipment. Transport, storage and processing facilities for agricultural products are almost non-existent and marketing efforts remain fragmented.

52. Notwithstanding the negative factors, significant increases in output have taken place in recent years. In 1988, the total value of agricultural produce amounted to approximately $7 million.

53. In 1988, 81 hectares of Government of Guam property were officially transferred to the Department of Agriculture for leasing to qualified farmers under the long-term Agricultural Lease Program.

54. During the period under review, the Agricultural Development Services opened 10 additional lots for leasing. Ten hectares of federal land near Barrigada were subleased for five years for growing vegetables and fruits.

Fisheries

55. Although Guam is considered a natrual location for a major fishery industry, until recently the sector remained relatively undeveloped. In addition, despite the fact that Guam has several advantages as a tuna transshipment site, namely, excellent harbour and port operations, infrastructure for freezing, storage and handling of fish, an adequate fuel supply and ship repair facilities, the volume of tuna transshipped through Guam decreased significantly in the early 1980s.

56. There has been, however, a dramatic improvement in the fisheries sector. The small-scale fishing catch rose from 307 tons in 1986/87 to 524 tons value at some $1.9 million in 1987/88.

57. In the area of large-scale fisheries, the longline transshipment industry has also become lucrative. The number of fishing vessels off-loading fish was 1,629 in 1988/89, compared with about 350 annually from 1982 to 1987. Currently, Guam's tuna transshipment industry involves 12,000 to 14,000 tons annually, valued at $15.2 million, compared with 25 tons in 1986.

58. The Territory has implemented a fishery data collection system to study the impact of the large-scale fishery industry. It receives funding from the Western Pacific Regional Fishery Management Council and assistance from the South Pacific Commission (SPC) and the National Marine Fisheries Service.

E. Industry and commerce

59. The small-scale manufacturing sector includes firms engaged in wood-carving, bag-making, boat-building and water-bottling and in the production of greeting cards, chocolate, clocks, surf boards and tourist souvenirs. The larger-scale activities include a milk processing plant, printing plants, bread and pastry factories, a watch company and a textile factory.

60. Headnote 3 (a) of the United States Tariff Code permits local manufacturers to import raw materials tariff-free provided that at least 30 per cent of the value of the final product is added in Guam. Headnote 3 (a) also permits exports to United States markets free of tariffs.

61. Under the Generalized System of Preference, Guam may benefit from preferential rates for its exports to the United States, Australia, Japan and the States members of the European Economic Community.

62. The Guam Product Seals programme was begun in June 1987 to encourage increased manufacturing on Guam. Many small manufacturing firms have emerged with the creation of this programme, under which a seal is affixed to all products manufactured in Guam.

63. In 1989, income generated from the retail sector contributed 30.9 per cent or $963.2 million of the $3.1 billion total gross business receipts reported by the Government of Guam's Department of Revenue and Taxation.

F. Transport and communications

64. The Port of Guam at Apra Harbour is reported to be one of the finest deep-water ports in the Pacific Basin. The port and the modern international airport provide Guam with extensive cargo and passenger facilities.

65. The Port Authority of Guam has begun a commercial port dock rehabilitation project at a cost of $2.9 million. This project is the first major rehabilitation of the port berthing area in many years.

66. Guam is currently serviced by 11 international and commuter airlines: Continental/Air Micronesia, Northwest Airlines, Japan Air Lines, All Nippon Airways, Hawaiian Airlines, Air Nauru, Korean Airlines and Air Niugini, Guam Marianas Air, Air Mike Express and Freedom Air. Approximately 36 flights arrive in Guam each day.

67. In 1988/89 Guam Airport Authority revenues rose to $15.3 million, 12 per cent over 1987/88. Net earnings for the same period were $3.8 million. The Guam Airport Authority has contracted to build two new aircraft aprons to accommodate the rapidly growing traffic.

68. Guam Public Transit was created by the Guam Mass Transit Authority in 1985 to provide a public transportation system for the island. During 1988/89, Guam Public Transit operated bus routes to all 19 villages on the island.

69. Telephone installations increased from 28,350 primary lines in 1987/88 to 34,657 during 1988/89 reflecting a 19 per cent increase.

70. The United States Navy and Air Force and the Guam Telephone Authority have agreed to transfer approximately 4,500 unofficial telephone subscribers serviced at present by the military to the Guam Telephone Authority.

71. Fiber optic communications have been installed in Guam with the laying of the transpacific submarine cable linking the North American continent to Japan and Guam.

G. Tourism

72. In 1989, tourism continued to be Guam's largest private sector industry in terms of employment and earnings. Approximately, 39 per cent of total employment was directly or indirectly related to tourism. Based on a study conducted for the Guam Visitors Bureau in August 1989, total tourist expenditures for 1989 were estimated at $514.1 million, reflecting a 13.8 per cent increase over 1988.

73. There was a total of 668,748 visitors in 1989, representing a growth of 14.2 per cent compared with 1988. Almost all visitors arrived by air. Japanese visitors accounted for 83 per cent of the total; and visitors from Australia, the Republic of Korea and Hong Kong increased significantly.

74. As of December 1989, Guam had a total of 4,133 hotel/motel rooms, representing an increase of 194 rooms or 5 per cent over 1988. Between 1990 and 1992, an estimated 4,370 rooms scheduled for completion are expected to result in a total of 8,503 rooms.

75. Hotel occupancy taxes collected in 1989 amounted to $11.8 million, a 33.4 per cent increase over 1988. Hotel occupancy rates averaged 90 per cent in 1989.

76. In exchange for the privilege of allowing tourist hotels to locate on Guam, the Government has bargained with individual developers for contributions to the island's infrastructure. In the past, those contributions were on an ad hoc basis. The Governor has now proposed to the legislature that the contributions should be institutionalized in the form of

a 5 per cent developers, or impact, fee. Such a move would shift the burden of development from the individual taxpayer to the developers and the visitors who are reaping the greatest benefits. With an estimated $3 billion to $5 billion in investments, the 5 per cent impact fee could yield from $150 million to $250 million in funds for capital improvement projects.

IV. SOCIAL CONDITIONS

A. Housing

77. New housing is being built on Guam as part of the general economic upturn.

78. During 1989, the Guam Department of Public Works issued 516 new residential permits valued at $41.2 million, representing a 15 per cent increase over the previous year. The average price for a concrete, three-bedroom home on Guam was $158,000 in 1989; the price for a condominium was $90,000. During the same period, some 2,043 construction permits were issued, at a total value of $363 million.

79. In 1988/89, Guam received $6.2 million in federal grants for public housing.

80. In his state of the Territory address in January 1991, Governor Ada stated that the Government had not built up the economy in order to make it too expensive for Guamanians to live in the Territory. He had presented a proposal to the Guam Legislature under which the Government would guarantee housing loans for qualified individuals and families and, on a sliding scale, subsidize and provide low-interest housing loans. He recommended that the programme should be subsidized from the proposed 5 per cent charged levied on developers (see para. 76).

81. During 1988, the appraised value of the 20,000 buildings on Guam rose by $100 million to $3.2 billion.

B. Public health

82. Medical care is generally of a high standard and health conditions are good.

83. The 147-bed, government-owned Guam Memorial Hospital was opened in 1976. In September 1989, the hospital began a $20.6 million improvement project. According to press reports, the renovation and construction project were nearing completion by the end of 1990. 7/ In addition, there is the United States Naval Hospital and some 17 medical and 7 dental clinics. The Department of Public Health and Social Services maintains a pharmacy, a nursing section, a maternal child health and family planning centre and a paediatric clinic.

84. Some 140 physicians practise on Guam in several fields of specialization, including dermatology, surgery, internal medicine, gynaecology, pathology, plastic surgery, radiology, psychiatry and optometry. There are over 30 dentists. Guam received $12.7 million in federal grants for health care in 1989.

85. In January 1989, the Guam Department of Public Health and Human Services launched a vaccination campaign against hepatitis B, which is endemic to the region.

C. Labour

86. High employment prevails throughout the Territory. In September 1990, total payroll employment amounted to some 57,560 persons, of whom 39,220 were employed in private industry, 11,500 by the territorial Government and 6,840 by the Federal Government. Unemployment for the same period was estimated at 2.9 per cent.

87. Over 5,000 new jobs were created in the year ending September 1990, of which 90 per cent were in the private sector. Employment in the private sector came from the wholesale and retail trade (11,690), services (10,070) and construction (9,250). The increase in private sector employment is attributed to the growth in the tourist industry, which has also led to new construction. In order to meet the demands of the economic growth in the Territory, as at December 1990, there was a total of 5,728 alien workers on Guam.

D. Crime

88. During 1989, the number of violent crimes declined slightly to 366. Other crimes, including burglary and larceny or theft, rose from 3,892 in 1988 to 4,304.

V. EDUCATIONAL CONDITIONS

89. Education is compulsory for children between 6 and 12 years of age. In 1988, there were 30 elementary schools (kindergarten to fifth grade), of which 6 were private; 12 middle schools (sixth to eighth grades), of which 6 were private; 5 academic high schools and 1 vocational high school. 2/

90. A total of $91.5 million was allocated to education in 1988/89, of which the sum of $76.5 million was spent on public schools on an average of $3,000 per pupil.

91. In 1989/90, school enrolment rose to 32,922 students, 5,697 of whom were in private schools. During the same period, there was a total of 1,327 teachers, 590 of whom were teaching in secondary institutions.

92. During the academic year 1988/89, 1,161 students graduated from high school.

93. Guam Community College was opened in 1978 to offer high school programmes for the tenth to twelfth grades, apprenticeship training and adult high school education, and job and higher education preparation.

94. The Territorial College of Guam, chartered in 1952 and originally established to provide a two-year teacher-training programme, soon became a four-year baccalaureate degree-granting institution. In 1968, the College was chartered as a University with the introduction of a master of arts in education programme. In 1972, the University of Guam was awarded land-grant status under the United States Education Act Amendment of 1972. In the years since, four colleges have evolved, namely, the College of Education, the College of Arts and Science, the College of Business and Public Administration and the College of Agriculture and Life Sciences. There are three major research components of the University: the Marine Laboratory, the Water and Energy Research Institute and the Micronesian Area Research Center. The combined full-time and part-time student enrolment at the University of Guam in 1988/89 was 2,161.

Notes

1/ The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 8 April 1991 for the year ended 30 September 1990.

2/ United States Department of the Interior Fact Sheet, April 1990.

3/ Pacific Daily News, 31 October 1990.

4/ Information submitted by the Guam Commission on Self-Determination to the Chairman of the Subcommittee on Small Territories on 20 April 1990.

5/ Pacific Daily News, 1 September 1989.

6/ Ibid., 27 April 1990.

7/ Ibid., 2 April 1990 and 18 October 1990.

UNITED
NATIONS

A

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SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

1. The United States Air Force and Navy maintain major military installations on Guam; the Coast Guard and Army Corps of Engineers also have facilities. More than 16,188 hectares, or about 30 per cent of the island's total area, are reserved for the use of the Department of Defense.

2. In December 1989, the number of active duty military personnel on Guam was reported to be 10,699 as follows: Navy, 6,809; Air Force, 3,327; Army, 48; Marines, 340; and Coast Guard, 175. In addition, there were 10,818 dependants, and 6,097 Department of Defense civilian personnel of whom 5,895 were local employees. 1/ Some 2,700 military retirees live on Guam and receive a total of $31.6 million annually in retirement benefits.

3. For many years, Andersen Air Force Base, home to the 43rd Bombardment Wing of the Third Division, was the major installation on Guam. That group included nuclear-capable B-52 bombers which were deployed within the framework of Strategic Air Command (SAC) operations in the Pacific and Asia.

4. In May 1988, Air Force officials on Guam announced that the Andersen Air Force Base had become non-nuclear. In November 1989, press reports indicated that the United States had decided to withdraw all B-52 bombers from Guam before 30 September 1990.

5. In March 1990, press reports stated that the 43rd Bombardment Wing had been deactivated and that the last B-52 bomber would leave Guam on 28 March. 2/

6. Andersen Air Force Base has been designated as a prime emergency landing site in the Pacific for the National Aeronautics and Space Administration space shuttle programme. Facilities are being upgraded to accommodate specialized equipment. 1/

7. In a press release issued in November 1989, 3/ the Commander of the 43rd Bombardment Wing stated that Andersen Air Force Base would lose more than $US 54 million a year when the B-52s pulled out of Guam. 4/ This figure comprised $45 million in salaries and wages of the 1,402 military personnel and 11 civilians employed in the bomb wing, $3 million for local construction and services contracts and $6 million for material, equipment and supplies. Guam would also lose income from other related sources, such as taxes paid by military personnel and financial aid to public schools for military dependants.

8. According to an Economic Resource Impact statement released by the 43rd Bombardment Wing in January 1990, Andersen Air Force Base brought in a total $229.4 million. Expenditures by the base in the last full year of operation amounted to $98.7 million, which reflected gross payroll, construction and services bought off the base, as well as material, equipment and supplies received from off-base sources. 5/

9. There are a number of naval facilities at Guam: the Santa Rita Naval Magazine; the naval air stations at Brewer Field and Apra Harbour; the naval communications station at Barrigada and the communications annex at Finegayan; and the naval processing station at Ritedian Point. Guam is also a base for the repair, maintenance and provisioning of the Seventh Fleet and Polaris submarines, as well as the home port of five Naval vessels. Construction of an ammunition wharf for off-loading and re-supplying nine Maritime Propositioning Ships was completed in February 1989.

10. The question of transfer of reserve land to the Government of Guam for economic development has been under continuous review by the military since 1977. (See the working paper prepared by the Secretariat on Guam, A/AC.109/1069, paras. 42-48).

11. In May 1990, the House Armed Services Committee was reported to have endorsed legislation introduced in the Congress by the Guam congressional representative to step up efforts to return excess military land to the Guam Government. Frustration on Guam over delays in obtaining excess military land and the feeling among many Guamanians that they had not been adequately consulted on military land use were also noted. 6/

12. It was also reported that $28.7 million in construction projects scheduled for Guam might be cancelled if Congress were to reduce military spending further. The Guamanian congressional delegate, in a letter sent to the Comptroller-General of the General Accounting Office, stated that the Department of Defense had estimated that closing the Naval Air Station would result in a loss of an estimated $458 million. 7/

Action taken by the General Assembly

13. At its forty-fifth session on 20 November 1990, the General Assembly, by its resolution 45/32 on the Question of Guam, inter alia, reaffirmed its strong conviction that the presence of military bases and installations in the Territory could constitute a major obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and that it was the responsibility of the administering Power to ensure that the existence of such bases and installations did not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations.

14. The General Assembly urged the administering Power to continue to take all necessary measures not to involve the Territory in any offensive acts or interference against other States and to comply fully with the purposes and principles of the Charter, the Declaration and the resolutions and decisions of the Assembly relating to military activities and arrangements by colonial Powers in Territories under their administration.

Position of the administering Power

15. In a statement to the Subcommittee on Small Territories on 26 April 1990, the representative of the United States stated that there was no basis whatsoever for inferring that the Territory could be involved in offensive military acts. To the contrary, the United States military presence on Guam was indisputably a part of its defensive posture. Moreover, various military functions on Guam had been eliminated and the military presence scaled down.

16. The United States representative said that the issuance of a working paper on United States military activities on Guam implied that the United States military presence there necessitated special scrutiny. The United States considered that the Subcommittee should discontinue the practice of considering the item of military activities on Guam. The United States also objected to the language in resolutions of the General Assembly on Guam especially that resolution which referred to the need to "take all necessary measures not to involve the Territory in any offensive acts or interference against other States". The United States fully endorsed the provision in the same resolution which urged the administering Power "to continue to take all necessary measures ... to comply fully with the purposes and principles of the Charter ... relating to military activities...".

17. The United States representative stated that the United States military presence on Guam could not realistically be seen as an obstacle to the Territory's economic development. The military constituted one of the two primary sources of income for the island. Furthermore, notwithstanding the United States presence, the private sector economy had grown tremendously over the past three years; 20,000 jobs had been created and the unemployment rate had declined to 2.3 per cent.

Notes

1/ 1989 Guam Annual Economic Review.

2/ Pacific Daily News, 27 March 1990.

3/ Ibid., 17 November 1989.

4/ Ibid., 12 January 1990.

5/ Ibid., 16 February 1990.

6/ The Tribune, Guam, 29 August 1990.

7/ Ibid., 3 May 1990.